

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION

IN RE:

CASE NO.:

CHARLES WATTS  
DEBTOR

10-01508-8-RDD  
CHAPTER 13

MOTION FOR ORDER WAIVING ADMINISTRATIVE ORDER  
ESTABLISHING PROCEDURES GOVERNING POST-PETITION  
CONDUIT MORTGAGE PAYMENTS EFFECTIVE JANUARY 1, 2010

NOW COMES the Debtor, by and through undersigned counsel, and moves the Court for an order waiving the Administrative Order Establishing Procedures Governing Post-petition Conduit Mortgage Payments Effective January 1, 2010, and in support thereof shows unto the Court as follows:

1. The Debtor filed a bankruptcy petition on February 26, 2010. The Debtor filed his original petition as a Chapter 7 proceeding. The Debtor has filed a Motion to convert his case to one under Chapter 13. The case was converted to a Chapter 13 Proceeding on June 15, 2010.
2. The Debtor is married. The Debtor's spouse has not filed a Chapter 13 bankruptcy proceeding as her credit is in good standing. At the time of the filing, the Debtor and his non-filing spouse owned certain real estate that they used as their principal residence. Both the Debtor and the non-filing spouse are liable on the mortgage on the residence.
3. At the time of the filing of the Chapter 7, and continuing to date, the Debtor and his non-filing spouse are current with respect to their mortgage payments on their principal residence.
4. On November 5, 2009, the Bankruptcy Court for the Eastern District of North Carolina entered an Administrative Order Establishing Procedures Governing Post-petition Conduit Mortgage Payments Effective January 1, 2010. This Order requires all mortgage payments secured by a debtor's primary residence to be paid through the Chapter 13 Plan and the Chapter 13 Trustee.

5. If the Debtor's mortgage payments are paid through the Debtor's plan, it is inevitable that the payments will become delinquent due to the timing of the Trustee's disbursement of payments. This delay and ultimate delinquency will adversely affect the non-filing spouse's credit.

6. In the instant case, cause exists for the entry of an order allowing the Debtor and his non-filing spouse to make their post-petition mortgage payments directly to the secured creditor. This will benefit the non-filing spouse as it will preserve her credit.

WHEREFORE, based upon the foregoing, the Debtor requests that the Court enter an order allowing the Debtor and his non-filing spouse to continue to make their mortgage payments directly to the mortgage company directly and not through the Chapter 13 Trustee.

Respectfully submitted, this the 21<sup>st</sup> day of June, 2010.

/S/ John G. Rhyne  
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CERTIFICATE OF SERVICE

I, Heather O'Briant, of the law firm of Hinson & Rhyne, P.A., of P. O. Box 7479, Wilson, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age.

That on June 21, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. By filing the pleading using the CM/ECF system, the parties listed below will either receive notification of such filing by way of CM/ECF or by depositing copies thereof in the United States mail, first class mail, postage prepaid, an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: June 21, 2011.

/s/ Heather O'Briant

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